

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF
David Mark Liberman #108469

Case No. [15-mc-80214-JD](#)

ORDER OF SUSPENSION

On August 10, 2015, the Court issued an order to show cause, suspending attorney David Mark Liberman on an interim basis. It did so because notice had been received that Mr. Liberman's status with the State Bar of California had been modified to "suspended by the Supreme Court for 60 days effective July 19, 2015." Dkt. No. 1. Mr. Liberman was permitted to file by September 11, 2015, a response "meeting the requirements of Civil Local Rule 11-7(b)(2)." *Id.*

Mr. Liberman mailed in a response that was dated September 13, 2015 -- two days after the response deadline. Dkt. No. 3. But even on its substance, Mr. Liberman does not dispute the salient fact that he "was suspended by the California State Bar for a period of 60 days, effective July 19, 2015." *Id.*

While Mr. Liberman discusses the circumstances behind his suspension and accepts responsibility and expresses remorse for his actions, which the Court acknowledges, he has not provided a basis for lifting the order to show cause under Civil Local Rule 11-7(b)(2). A response that satisfies that rule "must set forth facts establishing one or more of the following: (a) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (b) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court should not accept as final the other


jurisdiction's conclusion(s) on that subject; (c) imposition of like discipline would result in a grave injustice; or (d) other substantial reasons exist so as to justify not accepting the other jurisdiction's conclusion(s)."

While he points to "extenuating circumstances," Dkt. No. 3, Mr. Liberman does not fundamentally challenge any aspect of the discipline imposed on him by the California State Bar. Nor could he. Through his signature on the document, Mr. Liberman expressly signified his agreement "with each of the recitations and each of the terms and conditions of [the] Stipulation Re Facts, Conclusions of Law, and Disposition," which imposed on Mr. Liberman a sixty-day suspension from the practice of law, among other disciplinary measures. Dkt. No. 3, Ex. A at 15, 4.

Consequently, pursuant to this Court's rules of reciprocal discipline, Mr. Liberman's membership in the bar of this Court is hereby suspended. The Clerk of the Court is requested to make a note of Mr. Liberman's suspension on his admission record. Civil Local Rule 11-7(b)(3) explains when and how Mr. Liberman may seek reinstatement, should he wish to be reinstated.

IT IS SO ORDERED.

Dated: October 13, 2015



JAMES DONATO
United States District Judge

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 10/13/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Mark Liberman
9709 Venice Blvd.
Apt. 4
Los Angeles, CA 90034

Dated: 10/13/2015

Susan Y. Soong
Clerk, United States District Court

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By: 
Lisa R. Clark, Deputy Clerk to the
Honorable James Donato